

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

TAHRIR SHAKIR KALASHO, et al.,

Plaintiffs,

Civil Action No. 06-11030

vs.

**HONORABLE NANCY G. EDMUNDS
U.S. DISTRICT JUDGE**

REPUBLIC OF IRAQ, et al.,

Defendants.

**HONORABLE R. STEVEN WHALEN
U.S. MAGISTRATE JUDGE**

**ORDER DENYING PETITION FOR WRIT OF
HABEAS CORPUS AD TESTIFICANDUM**

Before the Court is Plaintiff's Petition for Writ of Habeas Corpus Ad Testificandum [Docket #46].

By separate Report and Recommendation, the undersigned has recommended that a default judgment enter against Defendant Republic of Iraq, and that the District Court conduct a hearing on damages, pursuant to Fed.R.Civ.P. 55(b). The matter is pending before the District Judge, who may accept or reject, in whole or in part, the Report and Recommendation. At this juncture, therefore, the request to bring the Plaintiff (who is a state prison inmate) to this Court to appear at the Rule 55(b) hearing is premature.

In addition, Plaintiff asks that the writ direct that the Michigan Department of Corrections (MDOC) transfer him to a Detroit prison so that counsel will have more convenient access. That is not the purpose of a writ of habeas corpus ad testificandum, nor does the Court have the authority to order the MDOC to transfer an inmate from one prison to another. The Court only has the authority, under 28 U.S.C. § 2241(c)(5), to order that the inmate be brought to court.

If the District Judge orders a hearing, the Plaintiff may request a writ of habeas corpus ad testificandum. At this time, however, Plaintiff's petition [Docket #46] is DENIED WITHOUT PREJUDICE.

SO ORDERED.

S/R. Steven Whalen
R. STEVEN WHALEN
UNITED STATES MAGISTRATE JUDGE

Dated: July 27, 2007

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing order was served on the attorneys and/or parties of record by electronic means or U.S. Mail on July 27, 2007.

S/G. Wilson
Judicial Assistant